

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue, Room 200
Rockville, Maryland 20850
<http://www.montgomerycountymd.gov/ozah/index.html>
Phone: (240) 777-6660; Fax (240) 777-6665**

CONDITIONAL USE CASE NO. CU 18-11

**APPLICATION OF ST. ANNE'S EPISCOPAL COMMUNITY DEVELOPMENT
CORPORATION**

**NOTICE OF PUBLIC HEARING, AMENDMENT OF THE APPLICATION AND
REQUEST FOR PARKING SPACE AND PARKING SETBACK WAIVERS**

Please take notice that Office of Zoning and Administrative Hearings for Montgomery County, Maryland (OZAH), will hold a public hearing in the Stella B. Werner Council Office Building, Second Floor Davidson Memorial Hearing Room, at 100 Maryland Avenue, Rockville, Maryland, on **Friday, December 7, 2018, at 9:30 a.m.**, or as soon thereafter as this matter can be heard, on the above-captioned application for Conditional Use, pursuant to Section 59.3.3.2.C of the Zoning Ordinance, to permit an *Independent Living Facility*, on the subject property described below. The Hearing will also consider Applicant's request for a Waiver of Parking Space and Parking Setback Requirements, pursuant to Section 59.6.2.10 of the Zoning Ordinance.

The subject property is Parcel A, "Chesney's Subdivision", located at 25100 Ridge Road, Damascus, MD, in the R-200 Zone (Tax Account Number 12-00926447).

Please take additional notice that on November 5, 2018, the Applicant filed a motion to amend its pending application to comply with comments made by the Montgomery County Planning Department. The amended plans include:

1. Conditional Use Site Plan (Sheet C2.01)
2. Conditional Use Site Plan (Sheet C2.02)
3. Conditional Use Landscape Plan: Overall Plan (Sheet L1.01)
4. Conditional Use Landscape Plan: Lot 2 Planting Plan (Sheet L1.02)
5. Conditional Use Landscape Plan: Planting Notes and Details (Sheet L1.03)
6. Final Forest Conservation Plan (Sheet L2.01)
7. Final Forest Conservation Plan (Sheet L2.02)
8. Parking Waiver Exhibit (2 sheets)
9. Joint Parking Agreement between St. Anne's Episcopal Church and the Applicant

The amendments to the above-listed plans include the following changes:

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- A. Retaining walls lowered (and variance withdrawn) based on grading adjustments recommended by M-NCPPC.
- B. Grading adjustments resulted in changes to the parking layout and in the total number of parking spaces provided.
- C. Improvements in circulation (vehicle turn around area on Lot 2).
- D. Pedestrian trail system added for recreational benefit of residents.
- E. Adjustments to the proposed forest conservation areas.
- F. Request for a waiver of the number of on-site vehicular parking spaces required by Zoning Ordinance §59.6.2.4.B. for the proposed use, placing five of the required spaces on an abutting lot per an off-site parking agreement, in accordance with Zoning Ordinance §59.6.2.3.G. and
- G. Request for a waiver of the twenty-four foot parking lot setback because the proposed parking spaces would abut a drive lane at least 20 feet wide that also serves parking and church facilities on adjacent Lot 1.

A motion to amend an application requests permission only to revise portions of the application. Granting the motion merely allows the Applicant to make the requested changes to the application, but does not, in any way, approve the application itself. The Hearing Examiner will take the motion to amend the application under consideration for a period of ten days from the date of this notice, until November 16, 2018. Interested parties who object to the motion must do so, in writing, no later than November 16, 2018. If no objection is received by that time, the motion will be considered granted. Additional notification regarding the amendment will be provided only if an objection is received.

The entire file may be reviewed in the Office of Zoning and Administrative Hearings, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m., prior to the date of the hearing.

Persons or associations that are (1) represented by counsel, (2) intending to appear in organized opposition, **or** (3) intending to introduce expert evidence or testimony must file a pre-hearing statement containing the information required by Rules 3.4 and 3.5 of OZAH's Rules of Procedure (Rules). Filings must include an electronic copy of the statement and all attachments. These Rules may be found on OZAH's website at <http://www.montgomerycountymd.gov/ozah/>. The Applicant must submit its pre-hearing statement at least 30 days before the public hearing. Persons in opposition that are required to file a pre-hearing statement must do so no less than 20 days before the public hearing.

In compliance with Maryland requirements regarding the practice of law, groups or associations must have counsel unless their witnesses are members of the group or association who will offer testimony in narrative form (*i.e.*, there is no need for an attorney to conduct a direct examination).

In addition to all other requirements, any party submitting documentary evidence for the record must file electronic copies of their submissions. Amended electronic copies must also be submitted of any amended documents. Electronic copies must be submitted on external storage media, including Compact Discs or DVDs, in Microsoft WORD format for text documents, and in PDF format for plans, photos and other non-text documents.

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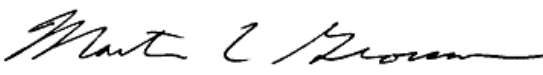
Nothing in this notice is intended to limit the rights of individual members of the public to testify during the hearing or to submit pertinent written materials at any time while the record remains open for that purpose. You may submit a signed letter to OZAH, which will be considered by the Hearing Examiner as part of the record but doing so will not automatically make you a party of record. Applicants and members of the public who testify at an OZAH hearing, whether for or against the application, are automatically considered parties of record. A person or organization that does not wish to appear at the OZAH hearing but wishes to be a party of record may request that status in a signed letter to OZAH. *See* OZAH Rule 3.1.

If you need services to participate in a public hearing, please contact this Office no later than seven (7) days in advance of the public hearing by calling 240-777-6660 (TTY 240-777-7914) or emailing us at ozah@montgomerycountymd.gov. OZAH cannot guarantee that an interpreter can be made available if notified of the request less than seven (7) days in advance of the public hearing. This document is available in alternative format such as large print upon request, via the same phone numbers and email address.

Notices forwarded this 6th day of November 2018 to:

St. Anne's Episcopal Community Development Corporation, Applicant
Jody Kline, Esquire
Charles Frederick, Esquire, Associate County Attorney
Diane Schwartz-Jones, Director, Department of Permitting Services
Greg Nichols, Manager, SPES at DPS
Phillip Estes, Planning Department
Alexandre Espinosa, Director, Finance Department
Washington Suburban Sanitary Commission
Montgomery County Public Schools
Abutting and Confronting Property Owners
(or a condominium's council of unit owners or renters, if applicable)
Civic, Renters' and Homeowners' Associations within a half mile of the site
Any Municipality within a half mile of the site

Office of Zoning and Administrative Hearings

by: 
Martin L. Grossman, Director
Hearing Examiner